

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PAUL SPIVAK, et al.,

Plaintiffs,

v.

**THE LAW FIRM OF TRIPP SCOTT,
P.A., et al.,**

Defendants.

) **CASE NO. 1:13 CV 1342**
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) **JUDGE DONALD C. NUGENT**
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) **Magistrate Judge William H. Baughman, Jr.**
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) **MEMORANDUM OPINION**
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This matter is before the Court on the Motions to Dismiss filed by the remaining Defendants in this case, Advanced Electronic Manufacturing, LLC and Steven Mortensen (Docket #126 renewing Motion filed as Docket #76), and Defendant Tripp Scott, P.A. (Docket #128 renewing Motion filed as Docket #74.) Defendants ask the Court to Dismiss this action pursuant to Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction. This case was previously referred to Magistrate Judge William H. Baughman, Jr. for general pretrial supervision. (Docket #18.)

Magistrate Judge Baughman issued his Report and Recommendation on Defendants' Motions to Dismiss on February 11, 2015. (Docket #144.) Magistrate Judge Baughman

recommends that the Court grant Defendants' Motions to Dismiss.

Objections to the Report and Recommendation were due February 25, 2015. No objections were filed.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable district court standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to the report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b) provides:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rules commented on a district court's review of *unopposed* reports by magistrate judges. In regard to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither

party objects to those findings.”

Conclusion

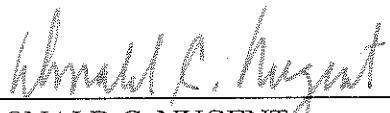
Plaintiffs did not file objections to the Report and Recommendation. This Court has carefully reviewed the Magistrate Judge’s Report and Recommendation and finds it to be well-reasoned and correct. The Court hereby agrees with and adopts the findings of the Magistrate Judge as its own.

The Report and Recommendation issued by Magistrate Judge Baughman (Document #144) is hereby ADOPTED. The Motions to Dismiss filed by Defendants, Advanced Electronic Manufacturing, LLC and Steven Mortensen (Docket #126 renewing Motion filed as Docket #76), and Defendant, Tripp Scott, P.A. (Docket #128 renewing Motion filed as Docket #74) are hereby GRANTED.

This case is hereby TERMINATED.

All pending motions are terminated.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: March 9, 2015